THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No. 21288 of 2004

Dt:18.10.2005

Between:

Paravastu Rajyalakshmi

.. Petitioner

and

S.V.L.N.Swamy Devasthanam and others

..Respondents

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 21288 of 2004

ORDER:

Heard both sides and perused the material on record.

The writ petition is filed seeking a declaration that the alleged action of the first respondent-Devasthanam in obstructing the renovation/construction of the petitioner's house bearing Door No.5-66, Middle Street(Old Panchayat Office Street), Adivivaram village, Simhachalam Post, Chinnagadili Mandal, Visakhapatnam District as well as the action of the second respondent in refusing to register the documents of the above property, as illegal and arbitrary.

Admittedly, the property of the petitioner bearing Door No.5-66 is situated at Middle Street (Old Panchayat Office Street), in Sy.No.81-A of Adivivaram village, Simhachalam Post, Chinnagadili Mandal, Visakhapatnam District. It is also not in dispute that a notification under Section 22-A of the Registration Act, 1908 was published in the A.P. Gazette, dated 25.08.2000, where under, it was declared that the registration of documents of immovable properties specified there under, is opposed to public policy. A perusal of the said notification shows that the property situated in Sy.No.81-A has also been included.

The grievance of the petitioner is that as a matter of fact, only a part of Sy.No.81-A of Adivivaram belongs to the first respondent-Devasthanam and therefore, the notification dated 25.08.2000 prohibiting registration of the document ought to have been restricted only to that part of Sy.No.81-A of Adivivaram village belonging to Devasthanam and the respondents are not justified in including the property of the petitioner also in the said notification.

Though no counter affidavit has been filed on behalf of the first respondent-Devasthanam, the second respondent, Sub-Registrar, Gopalapatnam, Visakhapatnam filed a counter affidavit, in which it is stated that by virtue of the notification dated 25.08.2000 prohibiting the registration of documents in various lands including the land in Sy.No.81-A of Adivivaram village, the Registering Authority is not entertaining any registration pertaining to the transfer of property, situated in Sy.No.81-A of Adivivaram village.

Since, admittedly the property belonging to the petitioner is situated in Sy.No.81-A, I am unable to hold that the alleged action of the respondents is contrary to law. Hence, the writ of Mandamus as prayed for cannot be issued. However, keeping in view the assertions of the petitioner that it is only by mistake, the entire Sy.No.81-A has been included in the notification dated 25.08.2000, but as a matter of fact, it should be confined only to a part of Sy.No.81-A, belonging to the first respondent-Devasthanam, I deem it appropriate to dispose of the writ petition granting liberty to the petitioner to make an appropriate representation before the third respondent bringing to its notice the error said to have been committed in publishing the notification dated 25.08.2000. If any such representation is made by the petitioner, the third respondent is directed to consider the same and to take necessary action in accordance with law, as expeditiously as possible, preferably within a period of four

(4) weeks from the date of receipt of the representation.

The writ petition is accordingly disposed of. There shall be no order as to costs.

18.10.2005

Note: Issue C.C. in three days

(B/o)

kdl